

ITW

## ARNOLD &amp; PORTER LLP

202.942.5000  
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Washington, DC 20004-1206

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JUN 15 2006

OFFICE OF PETITIONS

## Fax Transmittal

June 15, 2006

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)	RECIPIENT ROOM #(S)
Office of Petitions	571-273-0025	571-272-4200	
SENDER	SENDER'S TELEPHONE NUMBER	SENDER'S ROOM NUMBER	
Suet M. Chong	(202) 942-5849	987	
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)	
20595.171	5473	We are transmitting 11 page(s) (including this cover sheet)	
TRANSMISSION DEADLINE (DATE & TIME)		ALTERNATE TELEPHONE NUMBER (OPTIONAL)	
This document must be transmitted no later than: June 15, 2006		Alternate telephone number at which the sender can be reached if there are difficulties with this fax: (202) 942-5138	

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## MESSAGE

Re: U.S. Patent Application No. 10/791.278  
 Filed: March 3, 2004  
 Title: *Thiolactones*  
 Inventors: Takashi TSUKAMOTO *et al.*  
 Group Art Unit: 1626

## PRIVILEGED AND CONFIDENTIAL

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**ARNOLD & PORTER LLP**

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202.942.5000  
202.942.5999 Fax555 Tw 15th Street, NW  
Washington, DC 20004-1208**FAX RECEIVED**

JUN 15 2006

**OFFICE OF PETITIONS****VIA FACSIMILE**

June 15, 2006

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 10/791,278  
Filed: March 3, 2004  
Title: ***Thiolactones***  
Applicants: Takashi TSUKAMOTO *et al.*  
Atty. Docket: 20595.171

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. a Petition Under 37 CFR §1.182 to Change the Order of Inventorship;
2. a copy of a Utility Patent Application Transmittal (previously filed on March 3, 2004); and
3. a copy of the Executed Declaration and Power of Attorney (previously filed on July 19, 2004).

Applicants request that the following fee be charged to Deposit Account No. 50-2387 referencing docket number 20595.171:

\$ 400.00 petition fee (37 CFR §1.17(f))

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the above (\$400.00), are due in conjunction with this filing. However, if any additional fees are required in the present application, including any fees for extensions of time,

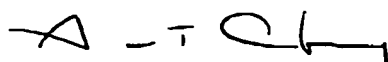
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ARNOLD & PORTER LLP

Commissioner for Patents  
U.S. Application No. 10/791,278  
Takashi TSUKAMOTO *et al.*  
Page 2

then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387 referencing matter number 20595.171.

Respectfully submitted,

  
David R. Marsh (Reg. No. 41,408)  
Suet M. Chong (Reg. No. 38,104)

Enclosures

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TAX RECEIVED

In re Application of:

Takashi TSUKAMOTO *et al.*

Appln. No.: 10/791,278

Filed: March 3, 2004

For: Thiolactones

Art Unit:

1626

Examiner:

Susannah Lee CHUNG

Confirmation No.: 8933

Atty. Docket:

20595.171

JUN 15 2006

OFFICE OF PETITIONS

## Petition Under 37 CFR §1.182 to Change the Order of Inventorship

Mail Stop Petitions

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the order of inventorship be changed from

Barbara S. SLUSHER; Takashi TSUKAMOTO

to

Takashi TSUKAMOTO; Barbara S. SLUSHER.

The facts necessitating this petition are as follows:

The above-captioned application was filed on March 3, 2004, without an executed declaration and listed as inventors:

Takashi TSUKAMOTO  
4534 Kingscup Court  
Ellicott City, Maryland 21042Barbara S. SLUSHER  
7424 Longfield Drive  
Kingsville, Maryland 21087

A copy of the Utility Patent Application Transmittal setting forth the listing of inventors is enclosed.

Application No. 10/791,278  
Takashi TSUKAMOTO *et al.*  
Page 2

On July 19, 2004, Applicants submitted an executed Declaration and Power of Attorney, copy enclosed, which inadvertently transposed the listing of the inventors to Barbara S. SLUSHER and Takashi TSUKAMOTO.

In view of the above, Applicants request that the order of inventorship be changed to Takashi TSUKAMOTO and Barbara S. SLUSHER, and further request that the patent issuing from the above-captioned application reflect this order of inventorship.

Authorization to charge the petition fee of \$400.00 (37 CFR 1.17(f)) for this petition is given in the accompanying transmittal letter.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Suet M. Chong (Reg. No. 38,104)

Date: June 15, 2006

ARNOLD & PORTER LLP  
555 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
(202) 942-5000 telephone  
(202) 942-5999 facsimile

Atty. Dkt. No. 054707-1263

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Takashi TSUKAMOTO et al.

Title: THIOLACTONES

Appl. No.: Unknown

Filing Date: March 3, 2004

Examiner: Unknown

Art Unit: Unknown

**FAX RECEIVED  
JUN 15 2006  
OFFICE OF PETITIONS****UTILITY PATENT APPLICATION  
TRANSMITTAL**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the nonprovisional utility  
patent application of:

Takashi TSUKAMOTO  
4534 Kingscup Court  
Ellicott City, Maryland 21042

Barbara S. SLUSHER  
7424 Longfield Drive  
Kingsville, Maryland 21087

Enclosed are:

- ☒ [ X ] Specification, Claim(s), and Abstract (63 pages).
- ☒ [ X ] Drawings (5 sheets, Figures 1, 2, 3, 4, 5).
- ☐ [ ] Unexecuted Declaration and Power of Attorney ( \_ pages).
- ☐ [ ] Assignment of the invention to GUILFORD PHARMACEUTICALS INC.
- ☒ [ X ] Application Data Sheet (37 CFR 1.76).

Atty. Dkt. N . 054707-1263

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	= \$770.00
Total Claims:	42	- 20	= 22	x \$18.00	= \$396.00
Independents:	7	- 3	= 4	x \$86.00	= \$344.00
If any Multiple Dependent Claim(s) present:				+ \$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee				+ \$130.00	= \$130.00
				SUBTOTAL:	= \$1640.00
[ ]				Small Entity Fees Apply (subtract ½ of above):	=
				TOTAL FILING FEE:	= \$1640.00

- [ ] A check in the amount of \$0.00 to cover the filing fee and fee for recordation of Assignment is enclosed.
- [ X ] The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- [ ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 3/3/04By S. M. Chong

FOLEY & LARDNER LLP  
 Customer Number: 29728  
 Telephone: (202) 295-4163  
 Facsimile: (202) 672-5399

Suet M. Chong  
 Attorney for Applicant  
 Registration No. 38,104

Atty. Dkt. No. 054707-1263

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**THIOLACTONES**

(Attorney Docket No. 054707-1263)

the specification of which (check one)

X is attached hereto.

— was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;



Atty. Dkt. No. 054707-1263

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/450,648	03/03/2003

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of

Atty. Dkt. No. 054707-1263

Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the registered attorneys and agents at Customer Number 29728

**Customer Number: 29728**

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:


Suet M. Chong  
FOLEY & LARDNER LLP  
Customer Number: 29728

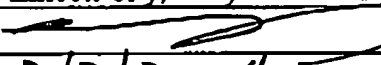
Telephone: (202) 295-4163  
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Atty. Dkt. No. 054707-1263

Name of first inventor Barbara S. SLUSHER  
Residence Kingsville, Maryland  
Citizenship U.S.  
Post Office Address 7242 Longfield Drive  
Kingsville, Maryland 21087  
Inventor's signature   
Date 8 MARCH 04

Name of second inventor Takashi TSUKAMOTO  
Residence Ellicott City, Maryland  
Citizenship Japan  
Post Office Address 4534 Kingscup Court  
Ellicott City, Maryland 21042  
Inventor's signature   
Date 3/3/2004

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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